

THE OFFICE ACTION

In the previous Office Action, the Examiner rejected claims 1-4 and 6-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,054,810 to Yamamoto et al. (Yamamoto) in view of U.S. Patent No. 6,208,070 to Sugimoto et al. (Sugimoto). The Examiner also rejected claims 1-2 and 9 under 35 U.S.C. §102(e) over U.S. Patent No. 5,932,969 to Ikeuchi et al. (Ikeuchi) in view of U.S. Patent No. 4,275,329 to Fridrich et al. (Fridrich).

REMARKS

Applicants have carefully considered the outstanding Office Action. Applicants note that the effective date of Sugimoto as a reference is December 22, 1998, the U.S. filing date. Applicants submit herewith a 37 C.F.R. §1.131 Declaration establishing a date of conception and reduction to practice of the present invention prior to December 22, 1998. Applicants therefore submit that the date of conception and reduction to practice of the present invention is prior to the effective dates of Sugimoto and respectfully request that this reference be withdrawn from consideration as prior art. Applicants further submit that without the benefit of this references, the Examiner's obviousness rejection based on a combination of Sugimoto and Yamamoto must be withdrawn and respectfully request such withdrawal.

With regard to the Examiner's rejection based on a combination of Ikeuchi and Fridrich, applicants submit that newly amended claims 1 and 9 are not rendered obvious by the proposed combination. Newly amended claim 1 now includes the recitations of previous claim 3, while newly amended 9 incorporates the recitations of previous claim 13. Neither claim 3 nor claim 13 were rejected by the Examiner in the previous office action based on the proposed combination of Ikeuchi and Fridrich. Applicants thus submit that newly amended claims 1 and 9 patentably distinguish over these prior art references. Claims 1, 2, 4, 6-12, and 14-18 remain pending in the application.

CONCLUSION

In view of the foregoing comments, Applicants submit that claims 1, 2, 4, 6-12, and 14-18 are in condition for allowance. Applicants respectfully request early notification of such allowance. Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned to attempt to resolve any such issues.

If any fee is due in conjunction with the filing of this response, Applicants authorize deduction of that fee from Deposit Account 06-0308.

Respectfully submitted,
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Date: _____

Aug 13, 2003



Scott A. McCollister, Reg. No. 33,961
Joseph E. Waters, Reg. No. 50,427
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2518
(216) 861-5582

Attachment: Declaration Under 37 C.F.R. §1.131